



General Assembly

January Session, 2009

Substitute Bill No. 6545

* _____ HB06545LABGAE031109 _____ *

AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (1) "Bureau heads" means individuals who head a major division of
5 a state agency and report to the head or deputy head of such agency,
6 provided: (A) The number of bureau heads of any state agency shall
7 not exceed the greater of (i) one, or (ii) one-half of one per cent of the
8 total number of permanent full-time employees of the employer,
9 rounded to the next lowest whole number; (B) the number of bureau
10 heads in the state executive branch shall not exceed one-half of one per
11 cent of the total number of permanent full-time employees in the
12 branch, rounded to the next lowest whole number, and the number of
13 bureau heads in the state judicial branch shall not exceed one-half of
14 one per cent of the total number of permanent full-time employees in
15 the branch, rounded to the next lowest whole number; and (C) if a
16 state agency has more major divisions than the number of bureau
17 heads permitted to an employer by this subdivision, the major
18 divisions shall be ranked by the number of permanent full-time
19 employees in each, and any individual heading a major division with a

20 smaller number of permanent full-time employees shall be excluded
21 from being classified as a bureau head before any individual heading a
22 major division with a larger number of full-time employees.

23 [(a)] (2) "Employer" means the state of Connecticut, its executive,
24 [and] judicial and legislative branches, including, without limitation,
25 any board, department, commission, institution, or agency of such
26 branches or any appropriate unit thereof and any board of trustees of a
27 state-owned or supported college or university and branches thereof,
28 public and quasi-public state corporation, or authority established by
29 state law, or any person or persons designated by the employer to act
30 in its interest in dealing with employees, but shall not include the State
31 Board of Labor Relations or the State Board of Mediation and
32 Arbitration.

33 [(b)] (3) "Employee" means any employee of an employer, whether
34 or not in the classified service of the employer, except elected or
35 appointed officials other than special deputy sheriffs, board and
36 commission members, disability policy specialists assigned to the
37 Council on Developmental Disabilities, [managerial employees]
38 bureau heads and confidential employees.

39 [(c)] (4) "Professional employee" means: [(1)] (A) Any employee
40 engaged in work [(A)] (i) predominantly intellectual and varied in
41 character as opposed to routine mental, manual, mechanical or
42 physical work; [(B)] (ii) involving the consistent exercise of discretion
43 and judgment in its performance; [(C)] (iii) of such a character that the
44 output produced or the result accomplished cannot be standardized in
45 relation to a given time period; [(D)] (iv) requiring knowledge of an
46 advanced type in a field of science or learning customarily acquired by
47 a prolonged course of specialized intellectual instruction and study in
48 an institution of higher learning or a hospital, as distinguished from a
49 general academic education or from an apprenticeship or from training
50 in the performance of routine mental, manual or physical processes; or
51 [(2)] (B) any employee who has completed the courses of specialized
52 intellectual instruction and study described in [subsection (c)(1)(D)]

53 subparagraph (A)(iv) of this subdivision and is performing related
54 work under the supervision of a professional person to qualify himself
55 or herself to become a professional employee as defined in [subsection
56 (c)(1)] subparagraph (A)(iv) of this subdivision.

57 [(d)] (5) "Employee organization" means any lawful association,
58 labor organization, federation or council having as a primary purpose
59 the improvement of wages, hours and other conditions of employment
60 among state employees.

61 [(e)] (6) "Confidential employee" means any public employee who
62 would have access to confidential information used in collective
63 bargaining.

64 [(f)] (7) "Supervisory employee" means any individual in a position
65 in which the principal functions are characterized by not fewer than
66 two of the following: [(1)] (A) Performing such management control
67 duties as scheduling, assigning, overseeing and reviewing the work of
68 subordinate employees; [(2)] (B) performing such duties as are distinct
69 and dissimilar from those performed by the employees supervised;
70 [(3)] (C) exercising judgment in adjusting grievances, applying other
71 established personnel policies and procedures and in enforcing the
72 provisions of a collective bargaining agreement; and [(4)] (D)
73 establishing or participating in the establishment of performance
74 standards for subordinate employees and taking corrective measures
75 to implement those standards, provided in connection with any of the
76 foregoing the exercise of such authority is not merely of a routine or
77 clerical nature, but requires the use of independent judgment, and
78 such individuals shall be employees within the meaning of [subsection
79 (b)] subdivision (3) of this section. The above criteria for supervisory
80 positions shall not necessarily apply to police or fire departments.

81 [(g)] (8) "Managerial employee" means any individual in a position
82 in which the principal functions are characterized by not fewer than
83 two of the following, provided for any position in any unit of the
84 system of higher education, one of such two functions shall be as

85 specified in [subdivision (4) of this subsection: (1)] subparagraph (D) of
86 this subdivision: (A) Responsibility for direction of a subunit or facility
87 of a major division of an agency or assignment to an agency head's
88 staff; [(2)] (B) development, implementation and evaluation of goals
89 and objectives consistent with agency mission and policy; [(3)] (C)
90 participation in the formulation of agency policy; or [(4)] (D) a major
91 role in the administration of collective bargaining agreements or major
92 personnel decisions, or both, including staffing, hiring, firing,
93 evaluation, promotion and training of employees. Such individuals
94 shall be employees within the meaning of subdivision (3) of this
95 section.

96 Sec. 2. Subsection (a) of section 5-278 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (a) When an employee organization has been designated, in
100 accordance with the provisions of sections 5-270 to 5-280, inclusive, as
101 amended by this act, as the exclusive representative of employees in an
102 appropriate unit, the employer shall be represented in collective
103 bargaining with such employee organization in the following manner:
104 (1) In the case of an executive branch employer, including the Division
105 of Criminal Justice, by the chief executive officer whether elected or
106 appointed, or his or her designated representative, [;] who shall
107 maintain a close liaison with the legislature relative to the negotiations
108 and the potential fiscal ramifications of any proposed settlement; (2) in
109 the case of a judicial branch employer, by the Chief Court
110 Administrator, or his or her designated representative; [and] (3) in the
111 case of each segment of the system of higher education, the faculty and
112 professional employees shall negotiate with their own board of
113 trustees or its designated representative; and (4) in the case of the
114 legislative branch, the director of the Office of Legislative
115 Management, or his or her designated representative.

116 Sec. 3. Section 31-101 of the general statutes is repealed and the
117 following is substituted in lieu thereof (*Effective from passage*):

118 When used in this chapter:

119 (1) "Agent" means the representative of the board who handles all
120 investigations of complaints and violations of this chapter;

121 (2) "Board" means the labor relations board provided for in section
122 31-102;

123 (3) "Commissioner" means the Labor Commissioner or any
124 representative designated by him or her;

125 (4) "Company union" means any committee, employee
126 representation plan or association of employees which exists for the
127 purpose, in whole or in part, of dealing with employers concerning
128 grievances or terms and conditions of employment which the
129 employer has initiated or created or whose initiation or creation he or
130 she has suggested or participated in or the formulation of whose
131 governing rules or policies or the conduct of whose management,
132 policies or elections the employer participates in or supervises or
133 which the employer manages, finances, controls, dominates or assists
134 in maintaining or financing, whether by compensation to anyone for
135 service performed in its behalf or by donating free service, equipment,
136 materials, office or meeting space or anything else of value or by any
137 other means;

138 (5) "Department" means the Labor Department;

139 (6) "Employee" includes, but shall not be restricted to, any
140 individual employed by a labor organization, any individual whose
141 employment has ceased as a consequence of, or in connection with,
142 any current labor dispute or because of any unfair labor practice, and
143 who has not obtained any other regular and substantially equivalent
144 employment, and shall not be limited to the employees of a particular
145 employer; but shall not include any individual employed by his or her
146 parent or spouse or in the domestic service of any person in his or her
147 home, any individual employed only for the duration of a labor
148 dispute or any individual employed as an agricultural worker;

149 (7) "Employer" means any person acting directly or indirectly in the
150 interest of an employer in relation to an employee, but shall not
151 include any person engaged in farming, or any person subject to the
152 provisions of the National Labor Relations Act, unless the National
153 Labor Relations Board has declined to assert jurisdiction over such
154 person, or any person subject to the provisions of the Federal Railway
155 Labor Act, or the state or any political or civil subdivision thereof or
156 any religious agency or corporation, or any labor organization, except
157 when acting as an employer, or any one acting as an officer or agent of
158 such labor organization. An employer licensed by the Department of
159 Public Health under section 19a-490 shall be subject to the provisions
160 of this chapter with respect to all its employees except those licensed
161 under chapters 370 and 379, unless such employer is the state or any
162 political subdivision thereof;

163 (8) "Labor dispute" includes, but shall not be restricted to, any
164 controversy between employers and employees or their
165 representatives concerning terms, tenure or conditions of employment
166 or concerning the association or representation of persons in
167 negotiating, fixing or maintaining, or seeking to negotiate, fix,
168 maintain or change, terms or conditions of employment;

169 (9) "Labor organization" means any organization which exists and is
170 constituted for the purpose, in whole or in part, of collective
171 bargaining, or of dealing with employers concerning grievances, terms
172 or conditions of employment, or other mutual aid or protection, and
173 which is not a company union as defined herein;

174 (10) "Person" includes individuals, partnerships, associations,
175 corporations, limited liability companies, trustees, receivers and legal
176 representatives;

177 (11) "Representative" includes a labor organization or an individual,
178 whether or not employed by the employer or those whom he or she
179 represents;

180 (12) "Unfair labor practice" means only those unfair labor practices

181 listed in section 31-105;

182 (13) "Supervisor" means any individual having the title of
183 supervisor and who may have the authority, in the interest of the
184 employer, to hire, transfer, suspend, lay off, recall, promote, discharge,
185 assign, reward or discipline other employees, or responsibility to direct
186 them, or to adjust their grievances, or effectively to recommend such
187 action, [if in connection with the foregoing the exercise of such
188 authority is not of a merely routine or clerical nature, but requires the
189 use of independent judgment,] and such individuals shall be
190 "employees" within the meaning of subdivision (6) of this section;

191 (14) "Professional employee" means (A) any employee engaged in
192 work (i) predominantly intellectual and varied in character as opposed
193 to routine mental, manual, mechanical or physical work; (ii) involving
194 the consistent exercise of discretion and judgment in its performance;
195 (iii) of such a character that the output produced or the result
196 accomplished cannot be standardized in relation to a given period of
197 time; and (iv) requiring knowledge of an advanced type in a field of
198 science or learning customarily acquired by a prolonged course of
199 specialized intellectual instruction and study in an institution of higher
200 learning or a hospital, as distinguished from a general academic
201 education or from an apprenticeship or from training in the
202 performance of routine mental, manual or physical processes; or (B)
203 any employee who (i) has completed the courses of specialized
204 intellectual instruction and study described in [clause (iv) of]
205 subparagraph [(A)] (A)(iv) of this subdivision, and (ii) is performing
206 related work under the supervision of a professional person to qualify
207 himself or herself to become a professional employee as defined in said
208 subparagraph (A).

209 Sec. 4. Subdivision (30) of section 5-196 of the general statutes is
210 repealed and the following is substituted in lieu thereof (*Effective from*
211 *passage*):

212 (30) "Managerial employee" means any person presently covered by

213 the existing managerial compensation plan pursuant to [subsection (g)]
214 subdivision (8) of section 5-270, as amended by this act.

215 Sec. 5. Subsection (b) of section 5-200c of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective from*
217 *passage*):

218 (b) Upon the completion of the studies referred to in subdivisions
219 (2) and (3) of subsection (a) of this section and the implementation of
220 the results of such studies, collective bargaining negotiations
221 concerning wage changes as a result of objective job evaluations shall
222 commence not later than April 1, 1993. Notwithstanding the provisions
223 of subsection (a) of section 5-278, as amended by this act, such
224 negotiations shall be conducted between the employer, as defined in
225 [subsection (a)] subdivision (2) of section 5-270, as amended by this act,
226 and a coalition committee which represents all state employees who
227 are members of any designated employee organization. The results of
228 any such negotiations shall be implemented as of July 1, 1995. All wage
229 inequities shall be deemed to have been eliminated upon the
230 implementation of such results. Nothing in this subsection shall be
231 deemed to affect any appeal related to any objective job evaluation
232 studies previously taken or allowed or any litigation pending on June
233 25, 1991, or to prohibit the continued use of a point factor value system
234 for the evaluation of newly created job classifications.

235 Sec. 6. Section 5-226f of the general statutes is repealed and the
236 following is substituted in lieu thereof (*Effective from passage*):

237 Notwithstanding the provisions of subsection (d) of section 5-272
238 the employer, as defined in [subsection (a)] subdivision (2) of section 5-
239 270, as amended by this act, and an employee organization, as defined
240 in [subsection (d)] subdivision (5) of said section 5-270, as the exclusive
241 representative of employees in an appropriate unit, may engage in a
242 pilot program to discuss the state classifications and examination
243 system. Neither party may negotiate pursuant to the provisions of
244 section 5-276a, as amended by this act. Any agreement reached by the

245 parties shall be reduced to writing and submitted to the General
246 Assembly pursuant to the provisions of subsection (b) of section 5-278.

247 Sec. 7. Subsection (a) of section 5-248i of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective from*
249 *passage*):

250 (a) The Commissioner of Administrative Services may develop and
251 implement guidelines, in cooperation with interested employee
252 organizations, as defined in [subsection (d)] subdivision (5) of section
253 5-270, as amended by this act, authorizing telecommuting and work-
254 at-home programs for state employees where such arrangements are
255 determined to be cost effective.

256 Sec. 8. Subsection (a) of section 5-276a of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective from*
258 *passage*):

259 (a) In the event that either the employer, as defined in [subsection
260 (a)] subdivision (2) of section 5-270, as amended by this act, or a
261 designated employee organization, as defined in [subsection (d)]
262 subdivision (5) of [said] section 5-270, as amended by this act, may
263 desire negotiations with respect to an original or successor collective
264 bargaining agreement, such party, not more than three hundred thirty
265 days prior to the expiration of the existing collective bargaining
266 agreement or less than one hundred fifty days prior thereto, shall serve
267 written notice thereof upon the other party. Negotiations shall
268 commence within thirty days of such service. Negotiations as to wage
269 reopeners shall commence within twenty days of receipt by one party
270 of a written notice with respect thereto, served in accordance with the
271 provisions of any such reopener in the affected contract or, if none is
272 stated therein, not more than sixty days or less than thirty days prior to
273 the effective date of such reopener.

274 Sec. 9. Subdivision (7) of section 9-601 of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective from*
276 *passage*):

277 (7) "Organization" means all labor organizations, (A) as defined in
278 the Labor-Management Reporting and Disclosure Act of 1959, as from
279 time to time amended, or (B) as defined in subdivision (9) of section
280 31-101, as amended by this act, employee organizations as defined in
281 [subsection (d)] subdivision (5) of section 5-270, as amended by this
282 act, and subdivision (6) of section 7-467, bargaining representative
283 organizations for teachers, any local, state or national organization, to
284 which a labor organization pays membership or per capita fees, based
285 upon its affiliation or membership, and trade or professional
286 associations which receive their funds exclusively from membership
287 dues, whether organized in or outside of this state, but does not mean
288 a candidate committee, party committee or a political committee.

289 Sec. 10. Section 32-23e of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective from passage*):

291 To accomplish the purposes of the authority, as defined in
292 subsection (t) of section 32-23d, which are hereby determined to be
293 public purposes for which public funds may be expended, and in
294 addition to any other powers provided by law, the authority shall have
295 power to: (1) Determine the location and character of any project to be
296 financed under the provisions of said chapters and sections, provided
297 any financial assistance shall be approved in accordance with written
298 procedures prepared pursuant to subdivision (14) of this section; (2)
299 purchase, receive, by gift or otherwise, lease, exchange, or otherwise
300 acquire, and construct, reconstruct, improve, maintain, equip and
301 furnish one or more projects, including all real and personal property
302 which the authority may deem necessary in connection therewith, and
303 to enter into a contract with a person therefor upon such terms and
304 conditions as the authority shall determine to be reasonable, including
305 but not limited to reimbursement for the planning, designing,
306 financing, construction, reconstruction, improvement, equipping,
307 furnishing, operation and maintenance of the project and any claims
308 arising therefrom and establishment and maintenance of reserve and
309 insurance funds with respect to the financing of the project; (3) insure
310 any or all payments to be made by the borrower under the terms of

311 any agreement for the extension of credit or making of a loan by the
312 authority in connection with any economic development project to be
313 financed, wholly or in part, through the issuance of bonds or mortgage
314 payments of any mortgage which is given by a mortgagor to the
315 mortgagee who has provided the mortgage for an economic
316 development project upon such terms and conditions as the authority
317 may prescribe and as provided herein, and the faith and credit of the
318 state are pledged thereto; (4) in connection with the insuring of
319 payments of any mortgage, request for its guidance a finding of the
320 municipal planning commission, or, if there is no planning
321 commission, a finding of the municipal officers, of the municipality in
322 which the economic development project is proposed to be located, or
323 of the regional planning agency of which such municipality is a
324 member, as to the expediency and advisability of the economic
325 development project; (5) sell or lease to any person, all or any portion
326 of a project, purchase from eligible financial institutions mortgages
327 with respect to economic development projects, purchase or
328 repurchase its own bonds, and sell, pledge or assign to any person any
329 such bonds, mortgages, or other loans, notes, revenues or assets of the
330 authority, or any interest therein, for such consideration and upon
331 such terms as the authority may determine to be reasonable; (6)
332 mortgage or otherwise encumber all or any portion of a project
333 whenever it shall find such action to be in furtherance of the purposes
334 of said chapters and sections; (7) enter into agreements with any
335 person, including prospective mortgagees and mortgagors, for the
336 purpose of planning, designing, constructing, acquiring, altering and
337 financing projects, providing liquidity or a secondary market for
338 mortgages or other financial obligations incurred with respect to
339 facilities which would qualify as a project under this chapter,
340 purchasing loans made by regional corporations under section 32-276,
341 or for any other purpose in furtherance of any other power of the
342 authority; (8) grant options to purchase or renew a lease for any of its
343 projects on such terms as the authority may determine to be
344 reasonable; (9) employ or retain attorneys, accountants and
345 architectural, engineering and financial consultants and such other

346 employees and agents and to fix their compensation and to employ the
347 Connecticut Development Credit Corporation on a cost basis as it shall
348 deem necessary to assist it in carrying out the purposes of said
349 authority legislation; (10) borrow money or accept gifts, grants or loans
350 of funds, property or service from any source, public or private, and
351 comply, subject to the provisions of said authority legislation, with the
352 terms and conditions thereof; (11) accept from a federal agency loans
353 or grants for use in carrying out its purpose, and enter into agreements
354 with such agency respecting any such loans or grants; (12) provide
355 tenant lease guarantees and performance guarantees, invest in, extend
356 credit or make loans to any person for the planning, designing,
357 financing, acquiring, constructing, reconstructing, improving,
358 expanding, continuing in operation, equipping and furnishing of a
359 project and for the refinancing of existing indebtedness with respect to
360 any facility or part thereof which would qualify as a project in order to
361 facilitate substantial improvements thereto, which guarantees,
362 investments, credits or loans may be secured by loan agreements, lease
363 agreements, installment sale agreements, mortgages, contracts and all
364 other instruments or fees and charges, upon such terms and conditions
365 as the authority shall determine to be reasonable in connection with
366 such loans, including provision for the establishment and maintenance
367 of reserve and insurance funds and in the exercise of powers granted
368 in this section in connection with a project for such person, to require
369 the inclusion in any contract, loan agreement or other instrument, such
370 provisions for the construction, use, operation and maintenance and
371 financing of a project as the authority may deem necessary or
372 desirable; (13) in connection with any application for assistance under
373 said authority legislation, or commitments therefor, to make and
374 collect such fees and charges as the authority shall determine to be
375 reasonable; (14) adopt procedures, in accordance with the provisions
376 of section 1-121, to carry out the provisions of said authority
377 legislation, which may give priority to applications for financial
378 assistance based upon the extent the project will materially contribute
379 to the economic base of the state by creating or retaining jobs,
380 providing increased wages or benefits to employees, promoting the

381 export of products or services beyond the boundaries of the state,
382 encouraging innovation in products or services, encouraging defense-
383 dependent business to diversify to nondefense production, promoting
384 standards of participation adopted by the Connecticut partnership
385 compact pursuant to section 33-374g of the general statutes, revision of
386 1958, revised to 1991, or will otherwise enhance existing activities that
387 are important to the economic base of the state, provided regulation-
388 making proceedings commenced before January 1, 1989, shall be
389 governed by sections 4-166 to 4-174, inclusive; (15) adopt an official
390 seal and alter the same at pleasure; (16) maintain an office at such place
391 or places within the state as it may designate; (17) sue and be sued in
392 its own name and plead and be impleaded, service of process in any
393 action to be made by service upon the executive director of said
394 authority either in hand or by leaving a copy of the process at the
395 office of the authority with some person having charge thereof; (18)
396 employ such assistants, agents and other employees as may be
397 necessary or desirable for its purposes, which employees shall be
398 exempt from the classified service and shall not be employees as
399 defined in [subsection (b)] subdivision (3) of section 5-270, as amended
400 by this act; establish all necessary or appropriate personnel practices
401 and policies, including those relating to hiring, promotion,
402 compensation, retirement and collective bargaining, which need not be
403 in accordance with chapter 68 and the authority shall not be an
404 employer as defined in [subsection (a)] subdivision (2) of section 5-270,
405 as amended by this act; contract for and engage appraisers of
406 industrial machinery and equipment, consultants and property
407 management services, and utilize the services of other governmental
408 agencies; (19) when it becomes necessary or feasible for the authority
409 to safeguard itself from losses, acquire, purchase, manage and operate,
410 hold and dispose of real and personal property, take assignments of
411 rentals and leases and make and enter into all contracts, leases,
412 agreements and arrangements necessary or incidental to the
413 performance of its duties; (20) in order to further the purposes of said
414 authority legislation, or to assure the payment of the principal and
415 interest on bonds or notes of the authority or to safeguard the

416 mortgage insurance fund, purchase, acquire and take assignments of
417 notes, mortgages and other forms of security and evidences of
418 indebtedness, purchase, acquire, attach, seize, accept or take title to
419 any project by conveyance or, by foreclosure, and sell, lease or rent any
420 project for a use specified in said chapters and sections or in said
421 chapter 579; (21) adopt rules for the conduct of its business; (22) invest
422 any funds not needed for immediate use or disbursement, including
423 any funds held in reserve, in obligations issued or guaranteed by the
424 United States of America or the state of Connecticut and in other
425 obligations which are legal investments for savings banks in this state;
426 (23) do, or delegate, any and all things necessary or convenient to carry
427 out the purposes and to exercise the powers given and granted in said
428 authority legislation; provided, in all matters concerning the internal
429 administrative functions of the authority which are funded by
430 amounts appropriated by the state to the authority or to the
431 department, the procedures of the state relating to office space,
432 supplies, facilities, materials, equipment and professional services shall
433 be followed, and provided further, that in the acquisition by the
434 authority of real estate involving the use of appropriated funds or
435 bonds supported by the full faith and credit of the state, the authority
436 shall be subject to the provisions of section 4b-23; (24) to accept from
437 the department: (A) Financial assistance, (B) revenues or the right to
438 receive revenues with respect to any program under the supervision of
439 the department, and (C) loan assets or equity interests in connection
440 with any program under the supervision of the department; to make
441 advances to and reimburse the department for any expenses incurred
442 or to be incurred by it in the delivery of such assistance, revenues,
443 rights, assets or amounts; to enter into agreements for the delivery of
444 services by the authority, in consultation with the department, the
445 Connecticut Housing Finance Authority and Connecticut Innovations,
446 Incorporated, to third parties which agreements may include
447 provisions for payment by the department to the authority for the
448 delivery of such services; and to enter into agreements with the
449 department or with the Connecticut Housing Finance Authority or
450 Connecticut Innovations, Incorporated for the sharing of assistants,

451 agents and other consultants, professionals and employees, and
452 facilities and other real and personal property used in the conduct of
453 the authority's affairs; and (25) to transfer to the department: (A)
454 Financial assistance, (B) revenues or the right to receive revenues with
455 respect to any program under the supervision of the authority, and (C)
456 loan assets or equity interests in connection with any program under
457 the supervision of the authority, provided the transfer of such financial
458 assistance, revenues, rights, assets or interests is determined by the
459 authority to be practicable, within the constraints and not inconsistent
460 with the fiduciary obligations of the authority imposed upon or
461 established upon the authority by any provision of the general statutes,
462 the authority's bond resolutions or any other agreement or contract of
463 the authority and to have no adverse effect on the tax-exempt status of
464 any bonds of the authority or the state.

465 Sec. 11. Subdivision (7) of section 32-39 of the general statutes is
466 repealed and the following is substituted in lieu thereof (*Effective from*
467 *passage*):

468 (7) To employ such assistants, agents and other employees as may
469 be necessary or desirable, which employees shall be exempt from the
470 classified service and shall not be employees, as defined in [subsection
471 (b)] subdivision (3) of section 5-270, as amended by this act; establish
472 all necessary or appropriate personnel practices and policies, including
473 those relating to hiring, promotion, compensation, retirement and
474 collective bargaining, which need not be in accordance with chapter
475 68, and the corporation shall not be an employer as defined in
476 [subsection (a)] subdivision (2) of section 5-270, as amended by this act;
477 and engage consultants, attorneys and appraisers as may be necessary
478 or desirable to carry out its purposes in accordance with this chapter.

479 Sec. 12. Subsection (b) of section 32-602 of the general statutes is
480 repealed and the following is substituted in lieu thereof (*Effective from*
481 *passage*):

482 (b) For [these] purposes of subsection (a) of this section, the

483 authority shall have the following powers: (1) To have perpetual
 484 succession as a body corporate and to adopt procedures for the
 485 regulation of its affairs and the conduct of its business as provided in
 486 subsection (f) of section 32-601, to adopt a corporate seal and alter the
 487 same at its pleasure, and to maintain an office at such place or places
 488 within the city of Hartford as it may designate; (2) to sue and be sued,
 489 to contract and be contracted with; (3) to employ such assistants,
 490 agents and other employees as may be necessary or desirable to carry
 491 out its purposes, which employees shall be exempt from the classified
 492 service and shall not be employees, as defined in [subsection (b)]
 493 subdivision (3) of section 5-270, as amended by this act, to fix their
 494 compensation, to establish and modify personnel procedures as may
 495 be necessary from time to time and to negotiate and enter into
 496 collective bargaining agreements with labor unions; (4) to acquire,
 497 lease, hold and dispose of personal property for the purposes set forth
 498 in this section; [32-602;] (5) to procure insurance against any liability or
 499 loss in connection with its property and other assets, in such amounts
 500 and from such insurers as it deems desirable and to procure insurance
 501 for employees; (6) to invest any funds not needed for immediate use or
 502 disbursement in obligations issued or guaranteed by the United States
 503 of America or the state of Connecticut, including the Short Term
 504 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other
 505 obligations which are legal investments for savings banks in this state
 506 and in time deposits or certificates of deposit or other similar banking
 507 arrangements secured in such manner as the authority determines; and
 508 (7) to do all acts and things necessary or convenient to carry out the
 509 purposes of and the powers expressly granted by this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	5-270
Sec. 2	<i>from passage</i>	5-278(a)
Sec. 3	<i>from passage</i>	31-101
Sec. 4	<i>from passage</i>	5-196(30)
Sec. 5	<i>from passage</i>	5-200c(b)

Sec. 6	<i>from passage</i>	5-226f
Sec. 7	<i>from passage</i>	5-248i(a)
Sec. 8	<i>from passage</i>	5-276a(a)
Sec. 9	<i>from passage</i>	9-601(7)
Sec. 10	<i>from passage</i>	32-23e
Sec. 11	<i>from passage</i>	32-39(7)
Sec. 12	<i>from passage</i>	32-602(b)

Statement of Legislative Commissioners:

Sections 4 to 12, inclusive, were added to correct internal citations for accuracy of references.

LAB *Joint Favorable Subst. C/R*

GAE